

0039-5461-2

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

: TC 2003 MAIL ROOM

TAKANOBU KAMAKURA

: GROUP UNIT: 2814

SERIAL NO.: 08/578,986

: EXAMINER: WILLE, D.

FILED: DECEMBER 27, 1998

:

FOR: SEMICONDUCTOR LIGHT
EMITTING DEVICE

RESPONSE

RECEIVED

MAR 20 2001

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

OFFICE OF PETITIONS

SIR:

Responsive to the communication mailed February 12, 2001, Applicant notes that paragraph 1 on page 2 appears to identify an Appeal Brief dated January 28, 1999. As shown by the attached copy of the date-stamped filing certificate and Appeal Brief, the date of the Appeal Brief is January 25, 1999, not January 28, 1999.

In addition, Applicant notes that paragraph 1 of the communication suggests that the final version of the claims was not the version of Claims 1 and 6-10 that was included with the Amendment filed on June 9, 1998. In this regard, Applicant has reviewed Claims 1 and 6-10 in this Amendment and find that they do, in fact, correspond to the claims attached as an Appendix I to the enclosed Appeal Brief of January 25, 1999. In addition, a search has been made of the application but no evidence of any amendments made after the June 9, 1998 Amendment has been found. Thus, appellant is at a loss as to the indication that some final version of these claims was filed after this June 9, 1998 Amendment. Clarification as to the date of this latest version and how the claims therein differs from Claims 1 and 6-10 which were filed on June 9,

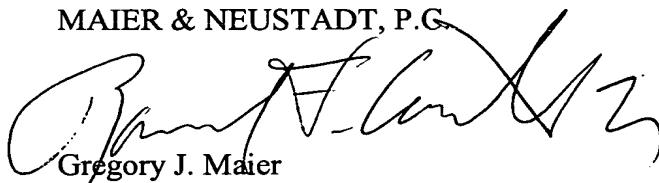
1998 is respectfully requested.

In addition, Applicant noted that appropriate petitions under 37 CFR §181 have been filed pointing out that this requirement appears to have no basis in fact and requesting the Commissioner to exercise supervisory authority over the examiner to prevent a second requirement from being made that does not identify how Claims 1 and 6-10 are believed to deviate from the latest version of these claims.

Moreover, since it has over a year since the filing of the Request for Compliance with Remand Order of November 23, 1999 (filed on March 8, 2000), the Petition further requests the exercise of the Commissioner's Supervisory authority in determining whether or not the examiner violated the procedures MPEP §1003(10) and §1208 as set forth in the Reply Brief.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record
Raymond F. Cardillo, Jr.
Registration No. 40,440



22850

(703) 413-3000
GJM/RFC/jmp

RECEIVED

MAR 20 2001

OFFICE OF PETITIONS

39-5461-2

RECEIVED

15

MAR 22 2001

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
TC 2100 MAIL ROOM

IN RE APPLICATION OF:

TAKANOBU KAMAKURA

: GROUP ART UNIT: 2814

SERIAL NO: 08/578,980

:

FILED: DECEMBER 27, 1995

: EXAMINER: WILLE

FOR: SEMICONDUCTOR LIGHT
EMITTING DEVICE

AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action dated February 9, 1998, please amend the above-identified application as follows:

RECEIVED

MAR 20 2001

IN THE CLAIMS

OFFICE OF PETITIONS

Please amend Claims 1, 6, and 7-10 as follows:

--1. (Twice Amended) A semiconductor light emitting device comprising:

a hetero-configuration having an active layer that emits light when charge carriers are injected, a first clad layer, and a second clad layer, the active layer being interposed between the clad layers, the first and second clad layers [keeping] each having an approximately equal layer thickness acting to keep the injected charge carriers in the active layer;

a first and a second electrode, the layers of the hetero-configuration being interposed between the electrodes; and

